OLR Bill Analysis

sHB 5134

AN ACT CONCERNING THE ACQUISITION OF REAL PROPERTY TO BE USED FOR SCHOOL CONSTRUCTION.

SUMMARY:

With certain exceptions, the law authorizes local and regional school districts to take by eminent domain land necessary for public school development, after fairly compensating the owner. This bill adds a method for determining the compensation and gives the school district discretion to choose between the two options.

Under current law, the school district must compensate the property owner in an amount equal to the average of two independent appraisals. The bill instead requires that the compensation equal the (1) average of the two appraisals or (2) property's assessed value, according to the most recent grand list.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Eminent Domain Exceptions

The law prohibits school districts from taking land by eminent domain when the land (1) has a church on it, unless the ecclesiastical society consents, or (2) is used as a cemetery or for burial purposes.

Independent Appraisals

When school districts take land by eminent domain, they must have the land appraised by two state-certified appraisers. The appraisers must work independently of each other and use generally accepted standards as described in the Uniform Standards of Professional Appraisal Practice. Each appraiser must provide a copy of the appraisal to the property owner and the school district.

Legislative History

The House referred the bill (File 42) to the Appropriations Committee, which favorably reported a substitute that eliminates a requirement that the school district compensate the property owner in an amount equal to the greater of the (1) average of the two appraisals or (2) property's assessed value, according to the most recent grand list.

COMMITTEE ACTION

Housing Committee

    Joint Favorable
    Yea   6   Nay   1   (03/06/2014)

Planning and Development Committee

    Joint Favorable
    Yea   10   Nay   9   (04/02/2014)

Appropriations Committee

    Joint Favorable Substitute
    Yea   44   Nay   0   (04/15/2014)